



MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

AUDREY P. BECK MUNICIPAL BUILDING ■ 4 SOUTH EAGLEVILLE ROAD ■ COUNCIL CHAMBER

MONDAY, AUGUST 1, 2016 ■ REGULAR MEETING

MEMBERS PRESENT: J. Goodwin, C. Ausburger, R. Hall, G. Lewis, K. Rawn, B. Ryan, V. Ward
MEMBERS ABSENT: B. Chandy, S. Westa
ALTERNATES PRESENT: P. Aho, T. Berthelot
ALTERNATES ABSENT: K. Fratoni
STAFF PRESENT: Linda Painter, Director of Planning and Development
Janell Mullen, Assistant Planner/Zoning Enforcement Officer

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed Aho and Berthelot to act.

APPROVAL OF MINUTES:

A. JULY 18, 2016 – REGULAR MEETING

Aho MOVED, Ryan seconded, to approve the 07-18-2016 minutes as corrected. MOTION PASSED UNANIMOUSLY. Hall noted that he listened to the recording of the meeting.

B. JULY 20, 2016 – FIELD TRIP NOTES

Noted.

ZONING AGENT'S REPORT:

Janell Mullen, Assistant Planner/Zoning Enforcement Officer, noted that Citation hearings are scheduled and she will provide an update at the next meeting.

PUBLIC HEARING:

A. SPECIAL PERMIT APPLICATION, EFFICIENCY UNIT, D. HEMPEL, 11 SUMMIT ROAD (FILE 1342)

Chairman Goodwin opened the Public Hearing at 7:04 p.m. Members present were Goodwin, Ausburger, Hall, Lewis, Rawn, Ryan, Ward and alternates Aho and Berthelot both of whom were appointed to act. Linda Painter, Director of Planning and Development read the Legal Notice as it appeared in The Chronicle on 7/19/16 and 7/27/16 noted in addition to application materials, a 7/21/16 memo from Janell Mullen, Assistant Planner/ZEO and a 7/25/16 memo from T. Quick, Windham Water Works, both of which were distributed to all members of the Commission.

David Hempel noted for the record that the house will be owner occupied; it is intended to be rented by a professional and, in the future, possibly used for aging parents.

The Chairman noted there were no comments or questions from the public or Commission. Rawn MOVED, Ryan seconded, to close the Public Hearing at 7:06 p.m. MOTION PASSED UNANIMOUSLY.

OLD BUSINESS:

A. SPECIAL PERMIT APPLICATION, EFFICIENCY UNIT, D. HEMPEL, 11 SUMMIT ROAD (FILE 1342)

Ryan MOVED, Ward seconded, to approve the July 8, 2016 application of David Hempel (File #1342) to allow an efficiency dwelling unit at 11 Summit Road in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at a Public Hearing on August 1, 2016.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to four additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.
 2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2018.
 3. This special permit shall not become valid until filed upon the Land Records by the applicant.
- MOTION PASSED UNANIMOUSLY.

B. AMENDMENTS TO ZONING REGULATIONS RELATED TO STORMWATER MANAGEMENT, WATER SERVICE CONNECTIONS, ALCOHOL, AND LIVE MUSIC; AND AMENDMENTS TO ZONING REGULATIONS AND MAP TO CREATE A WATER PIPELINE OVERLAY DISTRICT (FILE 907-41)

Rawn MOVED, Hall seconded, to approve, subject to revisions noted below, amendments to the Zoning Regulations and Map dated April 28, 2016 (File #907-41) to amend regulations in Articles Four, Seven, Ten and Eleven related to alcohol and live/amplified music uses; to add a new section on stormwater management regulations to Article Six; and to amend Articles Two, Six and Ten and the Official Zoning Map to establish a Water Pipeline Overlay Zone and regulations for new water service connections. The subject Zoning Regulation and Map amendments were presented at Public Hearing on June 20 and July 18, 2016, and filed prior to the hearing with the Mansfield Town Clerk. A copy of the subject regulations shall be attached to the Minutes of this meeting and these amendments shall be effective as of September 1, 2016.

In approving the amendments to the Zoning Regulations and Map, the Planning and Zoning Commission has reviewed and considered all public hearing testimony and communications, including reports from the CRCOG and SECOG Regional Planning Commissions, Mansfield's Director of Planning and Development and the Mansfield Town Attorney. Based on this testimony, the proposed amendments shall be revised to incorporate the following changes:

- Revise proposed Article Ten, Section V.5 to read as follows: "Easements and Water Main Extensions. Extension of water service to properties located outside of the Water Pipeline Overlay Zone through an easement or right-of-way on property located within the Water Pipeline Overlay Zone shall be permitted only in those instances where there is not a source of potable water otherwise available to service that parcel or the parcel located outside the Overlay Zone and is designated as Compact Residential, Mixed Use Center or Institutional on the POCD Future Land Use Map."

- Delete proposed definition of brewpub from Article Four.
- Revise proposed Article Seven, Section D.7.g to read as follows: “The sale of Alcoholic liquor shall be permitted as accessory to the following uses provided the Liquor permit type is authorized pursuant to Chapter 101 of the Mansfield Code of Ordinances and the following primary use is permitted in said zone or district:
 - Retail
 - Restaurant
 - Hotel
 - Place of Assembly/Banquet Hall
 - Commercial recreation facility
 - Brewpub/Restaurant
 - Brewery
 - Farm Winery”
- Delete references to “brewpubs” in the permitted use sections of Articles Seven and Ten for various zones. (Note: this revision only applies to the specific “brewpub” use, not “brewpub/restaurant uses which remain as proposed in the 4/28/16 draft.)
- Revise Article Seven, Section N.3 to remove Brewery uses from the list of uses allowed in the PB-3 zone (Four Corners area) with Special Permit approval
- Include the names of major roadways on the Zoning Map.

In accordance with the approval criteria identified in Article Thirteen, Section D of the Zoning Regulations, the Commission makes the following findings in approval of these amendments as modified by this approval motion:

1. The amendments are consistent with the Mansfield Tomorrow Plan of Conservation & Development and implement Goals 2.6, 4.2, 6.5, 8.1 and 9.2.
2. The amendments promote the statutory goals identified in Section 8-2 of the Connecticut General Statutes and other zoning purposes cited in Article One of Mansfield’s Zoning Regulations.
3. The amendments are considered acceptably worded and suitably coordinated with related zoning provisions.
4. The revisions will promote the public’s health, safety, property values and general welfare.
5. The amendment to the Zoning Map to establish a Water Pipeline Overlay Zone has comprehensively considered the size and physical characteristics of the subject area and the effect of the proposal on land uses in the surrounding area.

Furthermore, the revisions reflect the Commission’s goals of protecting natural resources and balancing reasonable development opportunities (primarily due to the proximity of public sewer and water services) with the desire to protect the rural character of the community. MOTION PASSED UNANIMOUSLY. MOTION PASSED UNANIMOUSLY.

C. ZONING REGULATION REVISIONS – MULTI-FAMILY HOUSING

Linda Painter, Director of Planning and Development reviewed her memos. Members discussed potential revisions to the Multi-Family Housing regulations and the possible inclusion of Compact Residential regulations. The consensus of the Commission was to not revise the definition of family at this time, but to move forward at Regulatory Review to draft proposed revisions to regulations pertaining to multi-family housing and new regulations to address compact residential development, in accordance with suggested

revisions/additiona in Painter's memos.

****Hall MOVED, Ward seconded, to add ZONING REGULATION REVISIONS – MORATORIUM MULTI-FAMILY HOUSING, to the agenda under New Business.**

NEW BUSINESS:

A. CANCELLATION OF AUGUST 15, 2016 MEETING

Ward MOVED, Hall seconded, to cancel the August 15, 2016 meeting of the Mansfield Planning and Zoning Commission. MOTION PASSED UNANIMOUSLY.

B. NOVEMBER MEETING SCHEDULE

Goodwin MOVED, Hall seconded, to change the regular meetings of the Mansfield Planning and Zoning Commission in the month of November to Wednesday, November 2nd and Wednesday, November 16, 2016. MOTION PASSED UNANIMOUSLY.

C. PLIMPTON SUBDIVISION BOND (FILE 1298)

Ward MOVED, Ryan MOVE to call the Bond (Number 601021690) issued by Liberty Mutual: The Ohio Casualty Insurance Company on February 1, 2012 to complete subdivision improvements related to the driveway for Lot 4 required as part of the Plimpton Land Subdivision (PZC File 1298) in accordance with Bond Agreement dated February 1, 2012. This action is being taken in response to the subdivider's verbal indication that he has no intention of completing the required improvements. MOTION PASSED UNANIMOUSLY.

D. ZONING REGULATION REVISIONS – MORATORIUM MULTI-FAMILY HOUSING

Hall MOVED, Lewis seconded, that a public hearing be scheduled for Tuesday, September 6, 2016, to hear comments on the proposed amendment to the Zoning Regulations dated August 1, 2016 related to adoption of a temporary and limited moratorium on the development of multi-family housing. The draft regulations shall be referred to the Town Attorney, Town Council, CRCOG, SECOG, NECOG and adjacent municipalities for review and comment. MOTION PASSED UNANIMOUSLY.

REPORTS FROM OFFICERS AND COMMITTEES:

Linda Painter, Director of Planning and Development reviewed her Director's Report and also noted items distributed this evening, particularly the memo from Mobilitie, LLC, regarding the two locations in Mansfield it proposes to install communication poles. Painter noted that she contacted the Siting Council to discuss this communication, as it has jurisdiction over the siting of communication poles/towers.

COMMUNICATIONS AND BILLS:

Noted.

ADJOURNMENT:

The Chair declared the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Vera S. Ward, Secretary